



MCRON.154A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Leonard Forbes  
Appl. No. : 09/939,417  
Filed : August 24, 2001  
For : VERTICAL TRANSISTOR  
WITH HORIZONTAL GATE  
LAYERS  
Examiner : Monica Lewis

Group Art Unit 2822

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December 23, 2002

(Date)

*John R. King*  
John R. King, Reg. No. 34,362

RESPONSE TO FINAL OFFICE ACTION DATED NOVEMBER 1, 2002

United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202  
ATTENTION BOX: AF

Dear Sir:

**REMARKS**

This is responsive to the Examiner's Final Office Action mailed November 1, 2002. Claims 1-22 are pending in this application. The Examiner rejected Claims 1-22 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,936,274 to Forbes et al. ("the Forbes patent").

Applicant would like to thank Examiner Lewis for the telephonic interview extended to Applicant's counsel, Sharon Ng, on December 19, 2002. During the interview, the orientation of Figure 4 in the Forbes patent was brought to the Examiner's attention. In particular, Figure 4 is a plan view from above of a working surface of a substrate. The control gate 335 is properly interpreted as being adjacent to the floating gate 325 in the plan view of Figure 4. The Examiner acknowledged Applicant's interpretation of Figure 4 but would like additional time to reconsider the matter. In accordance with the proper interpretation of Figure 4 in the cited reference, Applicant respectfully submits that Claims 1-22 are patentably distinguished over the cited reference and Applicant respectfully requests allowance of Claims 1-22.

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**REQUEST FOR TELEPHONE INTERVIEW**

Pursuant to M.P.E.P. § 713.01, in order to expedite prosecution of this application, Applicant's undersigned attorney of record hereby formally requests a telephone interview with the Examiner if any additional issues need resolving. Applicant's attorney can be reached at (949) 721-2998 or at the number listed below.

**CONCLUSION**

In view of the forging, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved. Also, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 12/23/02

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